

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Snaidr *et al.*

Serial No.: 10/798,366

Filed: March 12, 2004

For: LOW SIDESTREAM SMOKE CIGARETTE WITH COMBUSTIBLE PAPER

Group Art Unit: 1791

Examiner: Carlos N. Lopez

Confirmation No. 6070

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450

**DECLARATION OF MR. STANISLAV M. SNAIDR
UNDER 37 C.F.R. § 1.132**

I, Stanislav M. Snaidr, do hereby declare and say as follows:

1. I am a named inventor on the above-referenced patent application and I am familiar with the contents thereof.
2. I have a mechanical engineering degree. I have been conducting research in the cigarette area for over 30 years.
3. I have read and understood the Official Action mailed July 10, 2008. The Office Action asserts that it is recognized in the art that the term “non-combustible” refers to material not combusted when the cigarette is smoked. I agree with this assertion.
4. The Office Action also asserts that the cigarette art does not explicitly define that “combustible” means material that is consumed when the cigarette is smoked. I submit that the term “combustible” (e.g. combustible paper, wrapper, or cigarette) is understood in the cigarette art to mean material that will burn and ash when the cigarette is smoked; the combustible material is therefore, consumed when the cigarette is smoked.
5. I also submit that the term “non-combustible” (e.g. non-combustible paper, wrapper, or cigarette) is understood in the cigarette art to mean material that will not burn and ash when the

cigarette is smoked; the non-combustible material is therefore, not consumed when the cigarette is smoked.

6. I further submit that the exterior tubular element (12) of the device of International Patent Application No. WO 98/16125 to Snaidr *et al.* (equivalent to U.S. Patent No. 6,371,127), (as noted, I am a co-author thereof), contains a cigarette within its interior and the tubular element is not consumed when the cigarette is smoked. The tubular element is non-combustible.

7. I also submit that International Patent Application No. WO 99/53778 to Bowen *et al.* (equivalent to U.S. Patent No. 6,286,516), (I am a co-author thereof), is directed to a cigarette that has a non-combustible material which surrounds and is in substantial contact with a conventional cigarette paper portion of a cigarette. The non-combustible material includes an oxygen storage component. The non-combustible material is not consumed when the cigarette is smoked. This reference is, therefore, not directed to a combustible wrapper comprising an oxygen storage donor material (e.g. cerium oxide) (claim 1). Moreover, this reference is not directed to a combustible paper comprising, in combination, a rare earth metal oxide and an essentially non-combustible finely divided porous particulate adjunct for the rare earth metal oxide (claims 12 and 20). Furthermore, this reference is not directed to a combustible paper comprising, in combination, an oxygen storage and donor metal oxide oxidation catalyst precursor and an essentially non-combustible finely divided porous particulate adjunct for the catalyst (claims 45 and 46).

8. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Stanislav M. Snaidr October 15, 2008
Stanislav M. Snaidr Date